

REMARKS

Claims 23-38 remain pending in the present application. Claims 23-29 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner has rejected Claim 28 under 35 U.S.C. §112, second paragraph alleging it to be indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as the invention. Applicants have amended Claim 28 to further provide the antecedent basis. Accordingly, Applicants believe Claim 28 to overcome the Examiner's §112, second paragraph rejection and respectfully request withdrawal of the same.

DOUBLE PATENTING

The Examiner has rejected the majority of the claims under the judicially created doctrine of obviousness-type double patenting in view of Applicants' U.S. Patent No. 6,729,413. Applicants enclose an executed Terminal Disclaimer to overcome the Examiner's double patenting rejection.

REJECTION UNDER 35 U.S.C. §102(b)

The Examiner has rejected Claims 23-25, 27-31, 33, 34 and 37 under 35 U.S.C. §102(b) alleging them to be anticipated by Habedank et al. (U.S. Patent No. 6,223,835). The Examiner alleges that Habedank et al. discloses Applicants' invention.

Applicants have amended independent Claim 23 to further define the housing. The housing includes a handle portion and a base portion extending from the bottom of

the handle portion to form a terminus of the power tool housing. The frame is formed in the base portion. The cavity is in the frame and the biasing member is in the cavity.

The Habedank et al. reference fails to disclose or suggest Applicants' invention. Habedank et al. illustrates a cavity at the side of the handle and motor portion of the housing. Nowhere does Habedank et al. teach the cavity at the bottom of the handle. Accordingly, Applicants believe Claim 23 to be patentably distinct over the art cited by the Examiner. Likewise, Claims 24-28, which depend from Claim 23, are patentably distinct over the art cited by the Examiner.

Independent Claim 29 has been amended to be patterned after Claim 23. Accordingly, the above remarks with respect to Claim 23 equally apply to Claim 29. Accordingly, Claim 29 is patentably distinguishable over the art cited by the Examiner. Likewise, Claims 30-38, which depend from Claim 29, are patentably distinct over the art cited by the Examiner.

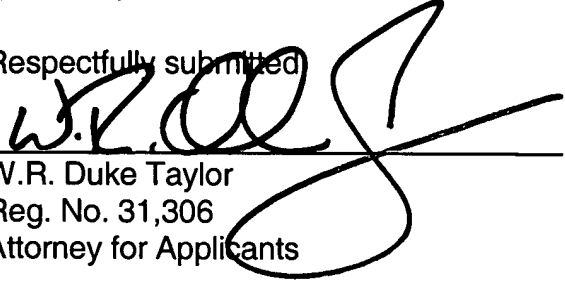
REJECTION UNDER §103(a)

The Examiner has rejected Claims 26, 32, 35, 36, and 38 under 35 U.S.C. §103(a) alleging them to be unpatentable over Habedank et al. As explained above, the Habedank et al. reference fails to disclose or suggest Applicants' invention. Accordingly, Applicants believe Claims 26, 32, 35, 36 and 38 to be patentably distinguishable over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted



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